Supreme Court, U.S.
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No. 05-566

IN THE

# Supreme Court of the United States

MARTHA HOLTON DIMICK, CHAIRPERSON, MINNESOTA BOARD ON JUDICIAL STANDARDS, *et al.*,
*Petitioners,*

v.

REPUBLICAN PARTY OF MINNESOTA, *et al.*,
*Respondents.*

**On Petition for a Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit**

## PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

Minnesota selects its judges through a system of nonpartisan elections. Canon 5 of the Minnesota Code of Judicial Conduct, promulgated by the Minnesota Supreme Court, regulates the campaign finance and political activities of judges and candidates for election to judicial office. Canon 5 prohibits judges and judicial candidates from "personally solicit[ing] or accept[ing] campaign contributions." Instead, judges and judicial candidates must establish committees to handle all campaign finance matters, including the solicitation of contributions. Canon 5 also prohibits judges and judicial candidates from identifying themselves as members of, from seeking or accepting the endorsement of, and from attending and speaking at gatherings of, partisan political organizations. The questions presented are:

1. Whether Minnesota's rule precluding judges and judicial candidates from personally soliciting campaign contributions is inconsistent with the First Amendment to the United States Constitution or otherwise invalid insofar as it bars them from (1) signing letters requesting campaign contributions; and (2) making personal appeals for campaign contributions to "large groups" of individuals.

2. Whether Minnesota's restrictions on the partisan political activities of judges and judicial candidates violate the First Amendment to the United States Constitution or are otherwise invalid to the extent that they bar judges and judicial candidates from (1) attending and speaking at political party gatherings; (2) identifying themselves as members of a political party; and (3) seeking, accepting, or using political party endorsements.

## PARTIES TO THE PROCEEDINGS BELOW

Petitioner Martha Holton Dimick, in her capacity as Chairperson of the Minnesota Board on Judicial Standards, is the successor to Suzanne White, who was defendant-appellee in the court of appeals and previously respondent in this Court. Ms. White was successor to Verna Kelly, who was also defendant-appellee in the court of appeals. Petitioner Kenneth L. Jorgensen, in his capacity as Director of the Minnesota Office of Lawyers Professional Responsibility, was defendant-appellee in the court of appeals. Mr. Jorgensen succeeded Edward C. Cleary, who was defendant-appellee in the court of appeals and previously respondent in this Court. Kent A. Gernander, in his capacity as Chair of the Minnesota Lawyers Professional Responsibility Board, is the successor to Charles E. Lundberg, who was defendant-appellee in the court of appeals and previously respondent in this Court.

Respondents Republican Party of Minnesota, Indian Asian American Republicans of Minnesota, Republican Seniors, Young Republican League of Minnesota, Minnesota College Republicans, Gregory F. Wersal, Cheryl L. Wersal, Mark E. Wersal, Corwin C. Hulbert, Campaign for Justice, Minnesota African American Republican Council, Muslim Republicans, Michael Maxim, and Kevin J. Kolosky, were plaintiffs-appellants in the court of appeals.

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